

GAHC010259552024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./1526/2024

SANJEEV GAUR AND ANR
R/O PV 60, THE PALM SPRINGS, GOLF COURSE ROAD, OPPOSITE HOTEL
IBIS, IN FRONT OF SOUTH POINT MALL, SECTOR-54, GURUGRAM-122001,
HARYANA.

2: SRI RANJIT KUMAR YADAV
S/O SHATRUDHAN YADAV
VILL- GOPALPUR
SIRE
GOPALPUR SIRI SUPAUL
BIHAR85213

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:M/S ANONDITA HEALTHCARE PVT. LTD.
OFFICE-D-0001
SECTOR-80
P.O. NOIDA-201 305 THROUGH ITS MANAGER VIJAY PRATAP YADAV SON
OF GANGA PRASAD YADAV
R/O PLOT NO. 9/10/11 NEW DELHI

Advocate for the Petitioner : MR J C GAUR, MR D SAIKIA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

16.12.2024

Heard Mr. J. C. Gaur, learned counsel for the petitioners. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State respondent No. 1.

This is an application under Section 528 *read with* Section 529 of BNSS, 2023 praying for quashing and setting aside the Final Report No. 168/2023, dated 30.09.2023, filed in connection with Boko P.S. Case No. 826/2021, under Section 120(B)/408/420 IPC *read with* Section 103/104 of Trade Marks Act; and the subsequent criminal proceeding in Complaint Case No. 40/2024, pending before the Court of learned Judicial Magistrate First Class, Boko, Kamrup, as well as the order dated 21.08.2024, passed therein.

Issue notice to the respondents, returnable within 4 (four) weeks.

Since Ms. Bora, learned Additional Public Prosecutor, has entered appearance and accepted notice on behalf of State respondent No. 1, no formal notice is required to be issued to the said respondent. However, she shall be provided with requisite extra-copy of the petition, if not already furnished, during the course of the day.

Steps for service of notice upon respondent No. 2 be taken through registered post with A/D as well as by usual process within a week from today.

Also, call for the scanned copy of the LCR along with the Final Report.

Heard Mr. Gaur, learned counsel for the petitioners, on the interim prayer.

It is submitted by Mr. Gaur, learned counsel for the petitioners, that the present petitioner No. 1

is a businessman by profession having its office of manufacturing of Surgical Gloves etc. at Dholpur, Rajasthan and the petitioner No. 2 is an employee working under his company. Further, the respondent No. 2 is a private limited company which is also carrying on manufacturing of Surgical Gloves etc. having its factory at Mathura and both the petitioner No. 1 and the respondent No. 2 have their own office at Noida. The present F.I.R. was lodged against the petitioners with the allegation that they stole the design of making Surgical Gloves and on the basis of which, after investigation, the police filed the Final Report and thereafter the complaint was lodged by the respondent No. 2. However, similar case is also pending at Noida where both the parties are appearing in the complaint case. He further submitted that the cause of action in both the cases also arise at Noida viz-a-viz at the district where the company is running. Mr. Gaur further submitted that the petitioners as well as the respondent No. 2 obtained their certificate from the government authorities, but only to harass the present petitioner, the respondent No. 2 has lodged the complaint against the present petitioners. Accordingly, he prays for stay of the proceeding till disposal of the present petition.

Considering the submission made by the learned counsel for the petitioners and also considering the attending facts and circumstances on record, further proceeding in Complaint Case No. 40/2024, pending before the Court of learned Judicial Magistrate First Class, Boko, Kamrup, shall remain stayed/suspended till next date of listing.

List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant